

REMARKS

Claims 1-10, 16, 18, 21, and 23-25 are herein cancelled. Claims 11-15, 17, 19-20 and 22 have been previously canceled.

New claims 26-31 have been added. Support for new claims 26-31 can be found in the Specification at page 10, lines 10-32, at page 14, lines 7-10, at page 11, lines 9-12, at page 8, lines 13-16, and at page 14, lines 7-10.

No new matter has been added.

Claim Rejections – 35 USC § 102

The Examiner rejects claims 16, 21, 23, and 25 under 35 U.S.C. §102(b) as being anticipated by Kortes (WO 03/051139). Applicants respectfully traverse.

As a preliminary matter, Applicants note that claims 16, 21, 23, and 25 have been cancelled without prejudice or disclaimer, rendering the rejection moot as to these claims.

Applicants submit that the novelty rejection should not be applied to newly added claims 26-31 for the reasons discussed below. Furthermore, an obviousness rejection based on Kortes is also inappropriate, also as discussed below.

Claims 26-31 recite adding arachidonic acid and/or an ester thereof to a vegetable oil or fat which has an α -linolenic acid content of 5% or less.

Kortes does not perform the active step of the claims. In Kortes, arachidonic acid is added to the product resulting from a Maillard reaction, and not to an oil. Chicken flavor is then developed in steps (c) and (d) of the Summary of the Invention. (Kortes, page 2.) Specifically, an oil containing arachidonic acid is added to a mixture of yeast extract, cysteine, and dextrose (*i.e.* a mixture comprising at least one reducing carbohydrate and at least one amino acid). (Kortes, Summary of the Invention page 2, step (b), and Example 1.) Specifically, Kortes does not add arachidonic acid to the palm oil, and instead adds carbohydrates and amino acids.

Also, in Kortes, the composition used for flavoring products, described on page 7, lines 22-25, is one prepared by the method on page 2, such that the reducing carbohydrate and the

amino acid are essential elements for the composition of Kortes. Thus, one of skill in the art would not expect that a composition which does not include these elements would have any flavoring effects.

It is clear that the vegetable fat and oil of the inventive method does not substantially contain any other component such as carbohydrates, amino acids, or protein hydrates. This is supported by the present Specification at page 6, lines 1-6 and page 11, lines 4-19 which describes how adding a long-chain highly unsaturated fatty acid and/or an ester thereof to a vegetable fat and oil composition with a low content of α -linolenic acid improves the body-taste of the vegetable fat and oil composition.

Moreover, the unexpected advantages of the claimed method are described in the Specification, particularly at Table 9, which describes how the body-taste effect varied depending on the composition of the fatty acids and the fat and oil preparation used, even if the arachidonic acid content was the same.

In addition, one of skill in the art would have no reason to expect that the content of fatty acids in oil would enhance the body-taste of the oil. Applicants accordingly submit that Kortes does not teach the claimed methods, and that the enhanced body-taste obtained with the claimed methods would be unexpected in view of Kortes.

For the above reasons, Applicants submit that neither a novelty nor an obviousness rejection based on Kortes should be applied.

Claim Rejections – 35 USC § 103

The Examiner rejects claim 18 under 35 U.S.C. §103 as being unpatentable over Kortes in view of Chen (U.S. Patent 5,811,149).

As above, claim 18 has been cancelled without prejudice or disclaimer, rendering this rejection moot.

Applicants submit that the new claims 26-31 are not made obvious by the combination of Kortes and Chen because Kortes does not disclose the claimed methods, as discussed above. In addition, Applicants submit the flavoring compositions of Chen are produced by subjecting them to certain temperatures in the presence of oxygen, and said compositions therefore contain the

volatile distillates formed during such treatment. Chen attributes the flavoring effects largely to these volatile distillates (Chen, col. 2, lines 49-55). Moreover, Chen does not disclose the effect of these fatty acids on body-taste. Thus, one of skill in the art would have no reasonable expectation that adding arachidonic acid to a vegetable fat and oil composition having a specific oleic acid content of 20-86%, and/or a specific linolenic acid content of 3-25% would enhance the body-taste.

Conclusion

In view of the above remarks, all of the claims are submitted as defining non-obvious, patentable subject matter. Reconsideration of the rejections and allowance of the claims are respectfully requested. Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Susan W. Gorman Reg. No. 47,604 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 2, 2010

Respectfully submitted,

By  # 47,604
Gerald M. Murphy, Jr.

Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(858) 792-8855
Attorney for Applicant